

REMARKS

Claims 1-31 were pending in this application.

Claims 1-6, 9, 10, 12-16, 18, 20-23, 25, 26, and 28-31 have been rejected.

Claims 7, 8, 11, 17, 19, 24, and 27 have been objected to.

Claims 2, 3, 5, 7, 9-11, 13, 14, 17-19, 21, 22, and 24-31 have been amended as shown above.

Claims 1, 4, 6, 12, 15, 16, 20, and 23 have been cancelled.

Claims 32 and 33 have been added.

Claims 2, 3, 5, 7-11, 13, 14, 17-19, 21, 22, and 24-33 are now pending in this application.

Reconsideration and full allowance of all pending claims are respectfully requested.

I. REJECTION UNDER 35 U.S.C. § 103

The Office Action rejected Claims 1-6, 9, 10, 12-16, 18, 20-23, 25, 26, and 28-30 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2004/0057585 to Madievski et al. (“*Madievski*”) in view of U.S. Patent Publication No. 2005/0015205 to Repucci et al. (“*Repucci*”). The Office Action rejected Claim 31 under 35 U.S.C. § 103(a) as being unpatentable over *Madievski* and *Repucci* in further view of U.S. Patent Publication No. 2003/0004658 to Bechhoefer et al. (“*Bechhoefer*”). These rejections are respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. (*MPEP* § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992)). The initial burden of establishing a *prima*

facie basis to deny patentability to a claimed invention is always upon the Patent Office. (*MPEP* § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984)). Only when a *prima facie* case of obviousness is established does the burden shift to the Applicant to produce evidence of nonobviousness. (*MPEP* § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993)). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the Applicant is entitled to grant of a patent. (*In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985)).

The Applicant has amended Claim 7 as shown above. While these amendments do not incorporate all elements contained in its base claim and all intermediate claims, the Applicant submits that these amendments place Claim 7 in condition for allowance due to the indication of allowability regarding Claim 7 (as far back as the July 27, 2006 Office Action). The Applicant has also amended Claims 11, 17, 19, 24, and 27 as shown above. While these amendments do not incorporate all elements contained in their respective base claims and all intermediate claims, the Applicant submits that these amendments place Claims 11, 17, 19, 24, and 27 in condition for allowance due to the indication of allowability regarding Claims 11, 17, 19, 24, and 27 (for some claims as far back as the July 27, 2006 Office Action).

Since Claims 7, 11, 17, 19, 24, and 27 were not rejected under § 103, the Applicant submits that Claims 7, 11, 17, 19, 24, and 27 (and their dependent claims) as amended are in

condition for allowance. Accordingly, the Applicant respectfully requests withdrawal of the § 103 rejections and full allowance of Claims 2, 3, 5, 7-11, 13, 14, 17-19, 21, 22, and 24-33.

II. NEW CLAIMS

The Applicant has added new Claims 32 and 33. The Applicant respectfully submits that no new matter has been added. At a minimum, the Applicant respectfully submits that Claims 32 and 33 are patentable for one or more reasons discussed above. The Applicant respectfully requests entry and full allowance of Claims 32 and 33.

SUMMARY

The Applicant respectfully asserts that all pending claims in this application are in condition for allowance and respectfully requests full allowance of the claims.


If any issues arise or if the Examiner has any suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@munckcarter.com*.

The Commissioner is hereby authorized to charge the cost of this AMENDMENT AND RESPONSE and any additional fees connected with this communication (including any extension of time fees) or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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